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SHUMAKER & SIEFFERT

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TO:	Nikita R. Veniaminov	FROM:	Steven J. Shumaker
COMPANY:	U.S. Patent & Trademark Office	DATE:	JUNE 3, 2004
FAX NUMBER:	703-872-9306	TOTAL NO. OF PAGES INCLUDING COVER:	9
PHONE NUMBER:	703-605-0210	SENDER'S REFERENCE NUMBER:	1065-011US04
RE:	Request for Status	YOUR REFERENCE NUMBER:	09/702,002

☐ URGENT ☒ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY

NOTES/COMMENTS:

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**PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: George M. Johnson; Ross Confirmation No. 7813  
Tsukashima; Gerard von  
Hoffmann; John T. Kilcoyne;  
Mathew T. Yurek; Scott Harris

Serial No.: 09/702,002

Filed: October 30, 2000 Customer No.: 28863

Examiner: Nikita R. Veniaminov

Group Art Unit: 3736 Docket No.: 1065-011US04

Title: METHOD AND DEVICE FOR TREATING GASTROESOPHAGEAL  
REFLUX DISEASE

CERTIFICATE UNDER 37 CFR 1.8 I hereby certify that this correspondence is being transmitted via facsimile to the United States Patent and Trademark Office on June 3, 2004.

By: 

Name: Shirley A. Betlach

REQUEST FOR STATUS

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

On March 17, 2003, Applicants submitted a Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action Under 37 C.F.R. 1.181(a). A copy of the Petition, including a certificate of mailing, and a copy of a postcard indicating the USPTO's receipt of the Petition on March 21, 2003, is attached to the communication.

Upon receiving no reply to the Petition, Applicants filed a Status Inquiry on November 5, 2003. Having received no reply to the Petition and Status Inquiry, Applicants filed another Status Inquiry on May 26, 2004. In addition, the undersigned contacted Examiner Veniaminov by telephone on June 1, 2004 to inquire about the status of the Petition. Examiner Veniaminov indicated that, according to the PALM system, the application file was located with a Special Program Examiner, and had been located there since November of 2003. Examiner Veniaminov further indicated that he would request delivery of the application and inspect the file to ascertain

Application Number 09/702,002  
Request for Status dated June 3, 2004

the status of the application. The undersigned contacted Examiner Veniaminov again on June 3, 2004 to inquire about the application. The Examiner indicated that the file had not yet been located, and that he had requested a search for the file. The undersigned agreed to call the Examiner again during the week of June 7, 2004, for a status update.

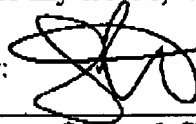
Applicants appreciate the Examiner's cooperation and efforts in locating this application. However, Applicants are concerned with the passage of time since the submission of the Petition, and respectfully request that the USPTO make all due efforts to locate the application file and promptly act on Applicants' Petition so that prosecution may recommence in this application.

Please apply any charges not covered, or any credits, to Deposit Account No. 50-1778.

Date:

June 3, 2004

By:



Name: Steven J. Shumaker

Reg. No.: 36,275

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## UTILITY/DESIGN PATENT

Date: 3-17-03

(miscellaneous)

Rec'd in the U.S.P.T.O. on the date stamped hereon via Certificate of Mail:

Atty. Dkt. # Endones 023623 AN 09/18/2002 Filed: 10-30-00Pat. # \_\_\_\_\_ Issued: MAR 21 2003 Atty: SZHExt. Ventana Unit: 37363 Batch: \_\_\_\_\_ Re-Exam # \_\_\_\_\_Title: Method & Device For... Applicant: Johnson et alVERIFIED BY: Asst: Danni G. Quality Control: SHS

- X Petition To Withdraw Holding of Abandonment Based on Failure to Receive Office Action Under 37 C.F.R. §1.81(a). (2 pages) \_\_\_\_\_
- X Declaration of James W. Hill, M.D. (3 pages) \_\_\_\_\_
- X Copy of Power of Attorney filed April 12, 2001 (2 pages) \_\_\_\_\_
- X Copy of Notice Regarding Power of Attorney mailed August 3, 2001 (1 page) \_\_\_\_\_
- X Check in the amount of \$130.00 for Petition fee. \_\_\_\_\_
- X Return Postcard \_\_\_\_\_

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